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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

AEVOE CORP., a California corporation,  
Plaintiff,

vs.

SHENZHEN MEMBRANE PRECISE  
ELECTRON LTD., a China corporation,  
Defendant.

Case No. 2:12-cv-00054-GMN-PAL

**[PROPOSED] TEMPORARY  
RESTRAINING ORDER, SEIZURE, AND  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Plaintiff Aevoe Corp. has moved *ex parte* for a Temporary Restraining Order, Seizure and Impoundment Order, and an Order to Show Cause for a Preliminary Injunction, pursuant to Federal Rule of Civil Procedure 65 and the Patent Act (35 U.S.C. § 283). Aevoe alleges that defendant Shenzhen Membrane Precise Electron Ltd. ("Shenzhen Membrane") is importing and

1 offering for sale goods that infringe Aevoe's U.S. Patent 8,044,942 ("the '942 Patent"). The  
2 Court, having considered the Complaint, Memorandum of Law, Declaration and exhibits  
3 submitted herewith, finds and concludes as follows:

4 1. Aevoe is likely to succeed in showing that Shenzhen Membrane has infringed  
5 and is continuing to infringe the '942 Patent, and that Shenzhen Membrane has imported and  
6 offered for sale goods infringing upon the '942 Patent, specifically the I Love My Cover! and  
7 Membrane products (collectively, "Infringing Goods").

8 2. The importation, offer for sale, and/or sale of the Infringing Goods will result in  
9 immediate and irreparable injury to Aevoe in the form of loss of income, loss of goodwill,  
10 dilution and lessening of the value of the '942 Patent, and interference with Aevoe's ability to  
11 exploit its '942 Patent and exclude others from using its patent, if seizure of such Infringing  
12 Goods, as well as any related advertising and business records related thereto, is not ordered.

13 3. The harm to Aevoe in denying the requested seizure order outweighs the harm to  
14 the legitimate interests of Shenzhen Membrane from granting such an order.

15 4. It appears to the Court that Shenzhen Membrane is manufacturing, importing,  
16 offering for sale, and/or selling Infringing Goods and will continue to carry out such acts unless  
17 restrained by Order of the Court.

18 **TEMPORARY RESTRAINING ORDER**

19 IT IS HEREBY ORDERED THAT pending a hearing on Aevoe's application for a  
20 preliminary injunction, Shenzhen Membrane, its agents, servants, employees, confederates,  
21 attorneys, and any persons acting in concert or participation with them, or having knowledge of  
22 this Order by personal service or otherwise be, and hereby are, immediately and temporarily  
23 restrained from practicing or otherwise using U.S. Patent No. 8,044,942, or any reproduction,  
24 counterfeit, copy, or colorable imitation of the same; and transferring, moving, returning,  
25 destroying, or otherwise disposing of any Infringing Goods except pursuant to the below  
26 Seizure and Impoundment Order.

1 IT IS FURTHER ORDERED THAT security pursuant to Federal Rule of Civil  
 2 Procedure 65.1 be posted no later than three business days after entry of this Order in the  
 3 amount of \$10,000.00.

4 **SEIZURE AND IMPOUNDMENT ORDER**

5 IT IS FURTHER ORDERED THAT the United States Marshal for this District and all  
 6 other Districts within the geographic confines of the United States of America, and/or any  
 7 federal or state, county or local law enforcement authorities in this District and all other  
 8 Districts within the geographic confines of the United States of America or its protectorates (the  
 9 "Marshal"), assisted by one or more attorneys or representatives of Aevoe, is hereby authorized  
 10 and directed to seize, impound, and deliver to Aevoe or its representatives any and all  
 11 Infringing Goods, as well as advertising or marketing materials for the same and any means for  
 12 making the same; the books and records (including computer tapes or disks) relating thereto;  
 13 and the containers in which the same are held or transported, which Shenzhen Membrane sells,  
 14 attempts to sell, or holds for sale within the geographic confines of the United States, from the  
 15 date this Order is signed until midnight on \_\_\_\_\_, 2012.

16 IT IS FURTHER ORDERED THAT the Marshal, assisted by one or more attorneys or  
 17 representatives of Aevoe, is hereby authorized to seize and impound all Infringing Goods, as  
 18 well as advertising or marketing materials for the same and any means for making the same; the  
 19 books and records (including computer tapes or disks) relating thereto; and the containers in  
 20 which the same are held or transported in the possession or under the control of Shenzhen  
 21 Membrane, employing whatever reasonable force is necessary under the circumstances to carry  
 22 out the seizure, including that necessary to enter premises owned, leased, or controlled by  
 23 Shenzhen Membrane, and/or such other location and things to be searched where such  
 24 infringing merchandize and business records relating thereof may be found, and to inspect the  
 25 contents of any rooms, vehicles, closets, cabinets, containers, cases, desks, computers,  
 26 databases, and software or documents located in the areas and under the control of Shenzhen  
 27 Membrane.  
 28

1 IT IS FURTHER ORDERED THAT to enforce compliance with this Order, the  
2 attorneys for Aevoe or their designee shall accompany the Marshal and those persons working  
3 under his supervision, and the Marshal shall inventory items so seized. Such items shall be in  
4 the constructive possession of the Marshal although they shall be released to the custody of the  
5 attorneys for Aevoe or storage at location(s) to be designated by the attorneys for Aevoe. All  
6 merchandise, means of making such merchandise, and other items seized shall be appropriately  
7 tagged to permit identification. Shenzhen Membrane shall be given a receipt therefore. Such  
8 merchandise seized shall be made available for inventory or inspection by any party or its  
9 counsel during normal business hours.

10 IT IS FURTHER ORDERED THAT anyone interfering with the execution of this Order  
11 is subject to arrest by the Marshal or his representative.

12 IT IS FURTHER ORDERED THAT counsel for Aevoe, on whose behalf the Court  
13 issues this Order, will act as a substitute custodian of any and all property seized pursuant to  
14 this Order and shall hold harmless the Marshal from any and all claims asserted in any court or  
15 tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and  
16 possession of the defendant's property, including any third party claims.

17 IT IS FURTHER ORDERED THAT Aevoe shall be responsible to the Marshal for all  
18 of his fees and charges, including all extraordinary expenses and overtime pay incurred in  
19 carrying out this Order.

20 IT IS FURTHER ORDERED THAT Shenzhen Membrane, its agents, servants,  
21 employees, officers, attorneys, successors, and assigns, and all persons, firms, and corporations  
22 acting in concert or participation with Shenzhen Membrane shall give to the Marshall or other  
23 law enforcement officers correct names, Social Security Numbers, driver's license numbers,  
24 passport information, visa information, residential and business addresses, and phone numbers  
25 for all individuals in any way involved in the acts alleged above; and locations and places  
26 where the infringing items are or have been stored.

27 IT IS FURTHER ORDERED THAT, when executing the seizure and impoundment  
28 provisions of this Order, the Marshal shall serve only a copy of this Order, the Summons and



Complaint, by leaving them at the usual place of business of Shenzhen Membrane, or of any agent of Shenzhen Membrane, or at the place where Infringing Goods are found, with any person of suitable age and discretion, and that such service shall be deemed adequate and proper to give notice to Shenzhen Membrane of the terms of this Order and of the hearing on Aevoe's Request for a Preliminary Injunction. Aevoe shall promptly provide copies of all documents filed in support of this Order to any party or its attorney of record requesting such documents.

IT IS FURTHER ORDERED THAT Aevoe's attorneys or agents shall promptly inspect all items seized, and if any items are found to be non-infringing products, such items shall be returned to Shenzhen Membrane within fifteen (15) business days after the date this Order is executed.

#### **ORDER TO SHOW CAUSE**

THEREFORE, IT IS ORDERED THAT Shenzhen Membrane show cause on the \_\_\_\_ day of \_\_\_\_\_ 2012, at \_\_\_\_\_, or as soon thereafter as counsel can be heard, in Courtroom \_\_\_\_ of the United States District Court for the District of Nevada, Las Vegas, why an Order pursuant to Federal Rule of Civil Procedure 65 should not be entered granting to Aevoe a preliminary injunction enjoining and restraining Shenzhen Membrane, its agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, or having knowledge of this Order by personal service or otherwise, immediately and temporarily from practicing or otherwise using U.S. Patent No. 8,044,942, or any reproduction, counterfeit, copy, or colorable imitation concerning the same, pending trial.

IT IS FURTHER ORDERED THAT Shenzhen Membrane's answering papers, if any, shall be filed with the Clerk of this Court and with chambers and served on the attorneys for Aevoe on or before \_\_\_\_\_ on \_\_\_\_\_, 2012, and that reply papers, if any, shall be filed with the Clerk of this Court and with chambers and served on the attorneys for Shenzhen Membrane on or before \_\_\_\_\_ on \_\_\_\_\_, 2012.

Shenzhen Membrane is hereby given notice that failure to attend the hearing scheduled herein could result in confirmation of the seizure authorized herein; destruction or other

1 disposition of the goods, if any, so seized; immediate issuance of the prayed for preliminary  
2 injunction, to take effect immediately upon expiration or dissolution of the within temporary  
3 restraining order, and extending for the pendency of this litigation upon the same terms and  
4 conditions as this temporary restraining order. Shenzhen Membrane is hereby given further  
5 notice that it shall be deemed to have actual notice of the issuance and terms of such  
6 preliminary injunction and that any act by it in violation of any of the terms thereof may be  
7 considered and prosecuted as contempt of this Court.

8  
9 IT IS SO ORDERED this \_\_\_\_ day of January, 2012 at \_\_\_\_.

10  
11  
12 U.S. DISTRICT COURT JUDGE

13 SUBMITTED BY:

14 McDONALD CARANO WILSON LLP

15  
16 By: 

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